

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AMIKHET EN MATTI,)
Petitioner,) 4:03cv3258
vs.) MEMORANDUM AND ORDER
ROBERT HOUSTON,)
Respondent.)

This matter is before the court on the following pending motions: (1) filing nos. 34 and 39, in which the petitioner, Amikhet En Matti, f/k/a Warren S. Coker, requests an extension of time to submit his brief in support of his habeas corpus claims and in reply to the respondent's affirmative defenses and limited response; (2) filing no. 38, the respondent's Motion to Dismiss this habeas corpus case because of the petitioner's failure to file his brief; and (3) filing no. 40, the petitioner's Objection to the respondent's Motion to Dismiss. In filing nos. 34, 39 and 40, the petitioner states that he has experienced severe limitations in access to law library materials during a prolonged period in the Special Management Unit of the Tecumseh State Correctional Institution. The respondent moves to dismiss the petitioner's claims for lack of prosecution or, in the alternative, the respondent requests an extension of time equal to that granted to the petitioner.

In the petitioner's circumstances, an extension of time is reasonable, despite the advancing age of this case. The respondent, however, suffers none of the disadvantages imposed on the petitioner. Therefore, the following briefing schedule is established for this case, and all prior orders are modified accordingly:

1. The petitioner shall file his brief in support of his habeas claims and in reply

to the respondent's affirmative defenses and limited response by January 3, 2006;

2. The respondent shall file his brief by February 3, 2006, at which point this matter will be deemed submitted for disposition.

Filing nos. 34, 39 and 40 are granted to that extent. Filing no. 38 is denied.

SO ORDERED.

DATED this 24th day of October, 2005.

BY THE COURT:

/s Richard G. Kopf
United States District Judge